

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
FINAL UTILITY ORDERS
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December 22, 2003

In the Matter of the Petition of

DOCKET NO. UT-30614

QWEST CORPORATION

ORDER NO. 17

For Competitive Classification of
Basic Business Exchange
Telecommunications Services

GRANTING COMPETITIVE
CLASSIFICATION

RCW 80.36.330 does not require a company to define the “relevant market” before selecting the service for which it seeks competitive classification. The company can propose any service for classification, but then bears the burden to show that the service is subject to effective competition. ¶ 45; RCW 80.36.330.

Proving there is effective competition for a selected service requires a showing that alternative service is available in the relevant market. The relevant market is defined in relation to the service selected. The closer a substitute the alternative is to the selected service the greater the weight it will be given. ¶ 45; RCW 80.36.330.

The Commission will review the evidence supporting a petition for statewide competitive classification of a service at more granular levels, including review by exchange, region, zone or other

appropriate geographical unit. ¶ 78; RCW 80.36.330.

The competitive classification statute does not require the Commission to base its determination on anti-trust standards because the statute contains safeguards typically not available in an anti-trust case. These include a prohibition against below-cost pricing; a prohibition against cross subsidization from fully regulated services; Commission-established prices for network elements; the possibility of re-classification; and the prohibition against undue or unreasonable preference or discrimination against similarly situated customers. ¶ 100; RCW 80.36.330; RCW 80.36.170; RCW 80.36.180.